

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petitions of )  
TAHOE CITY PUBLIC UTILITY DISTRICT )  
and NORTH TAHOE PUBLIC UTILITY )  
DISTRICT for Review of Orders Nos. )  
6-83-50, and 6-83-51 of the )  
California Regional Water Quality )  
Control Board, Lahontan Region. Our )  
Files Nos. A-332 and A-332(a). )

ORDER NO. WQ 83-9

BY THE BOARD:

On April 14, 1983,<sup>1/</sup> the California Regional Water Quality Control Board, Lahontan Region (Regional Board) adopted waste discharge requirements in Orders Nos. 6-83-50 and 6-83-51 for the Tahoe City Public Utility District (Tahoe City or petitioner) and the North Tahoe Public Utility District (North Tahoe or petitioner), respectively. Both sets of requirements regulate discharges from maintenance and minor additions projects, including sewer line cleaning, lateral installations, main line repair and installation, and other maintenance and repairs.

On May 13, the State Water Resources Control Board (State Board) received petitions from Tahoe City and North Tahoe seeking review of the waste discharge requirements adopted by the Regional Board. Because of the similarity of the two sets of requirements and the petitions received, the two petitions have been consolidated for review by the State Board.

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<sup>1/</sup> Unless otherwise indicated, all dates refer to 1983.

On August 16, the State Board received a request for a stay of the reporting requirement contained in the North Tahoe requirements. Because this order disposes of the issues presented in both petitions, including the reporting requirements, it is unnecessary for us to act upon the stay request.

#### I. BACKGROUND

On October 29, 1980, the State Board adopted the Lake Tahoe Basin Water Quality Plan (Basin Plan). The Basin Plan was prepared to meet the requirements of Section 208 of the Federal Clean Water Act, which requires the development of areawide waste treatment management plans. The Basin Plan also meets the requirements of a water quality control plan as set forth in California Water Code Sections 13240 to 13244, and was adopted by the State Board pursuant to Water Code Section 13170.

The Basin Plan is a comprehensive document, covering many aspects of water quality in the Lake Tahoe Basin. Two general aspects of the Basin Plan concern us here. First, the Basin Plan attempts to implement a reduction in erosion and sedimentation to Lake Tahoe. The Basin Plan found that much of the sedimentation problem resulted from development in certain areas within the Basin, and includes implementation procedures intended to reduce discharges caused by such development. Second, the Basin Plan includes goals to restrict the use of water on the California side of Lake Tahoe to the limits set forth in the California-Nevada Interstate Compact (Interstate Water Compact). The implementation provisions call for limitations on the use of both surface waters and ground waters.

In adopting the requirements at issue, the Regional Board asserts that it was attempting to implement the Basin Plan, and that its requirements are necessitated by that document. Thus, the requirements include provisions intended to result in a reduction in sedimentation from development and limits on the use of ground and surface waters to the amounts allowed by the Interstate Water Compact. The petitioners allege, however, that the requirements are in excess of the Regional Board's authority and violate various provisions of the Water Code.

## II. CONTENTIONS

1. Contention: The petitioners contend that the waste discharge requirements unlawfully require the two public utility districts to impose development restrictions in their service areas.

Finding: The waste discharge requirements include a number of provisions aimed at reducing the discharge of sediment and nutrients from new development in the Lake Tahoe Basin. The findings in the requirements present two bases for these provisions. First, the Basin Plan prohibits discharge of solid or liquid waste, including soil, silt, clay, or other organic or earthen material to the Lake Tahoe Basin, which is attributable to new development in stream environment zones, new development not in conformance with land capability and new development not offset by implementation of remedial erosion control measures. (Finding 8.) Second, the Regional Board relied upon the Tahoe Regional Planning Compact (TRPA Compact) to find that the petitioners could not

allow sewerage connections to development that would exceed the development restrictions contained in the TRPA Compact (Finding 9.)

Based on the discharge prohibitions contained in the Basin Plan and the development limitations in the TRPA Compact, the Regional Board adopted General Requirements and Prohibitions 11 through 17. Implementation generally consists of prohibiting Tahoe City and North Tahoe from issuing sewer connection permits which would result in violation of the TRPA development limits (Prohibition 11) or the Basin Plan prohibitions (Prohibition 12). General Requirements and Prohibitions 13 through 17 contain procedures for implementation of the Basin Plan prohibition and compliance with the California Environmental Quality Act (CEQA) in case the Basin Plan is subsequently amended.

We will first address the issue of whether it was appropriate to attempt to implement the TRPA Compact through waste discharge requirements. The TRPA Compact creates the Tahoe Regional Planning Agency, sets forth its planning functions and establishes restrictions on new development in the Lake Tahoe Basin. (Government Code Sections 66801 et seq.) The TRPA Compact does not call for issuance of waste discharge requirements by the Regional Board, but rather attempts to restrict pollution of the Lake Tahoe Basin through limitations on new construction. Implementation of these limitations appears to be left to those agencies which issue building permits. There is also no direct authority contained in the Water Code for implementation of the TRPA Compact's development restrictions through waste discharge requirements. (See Water

Code Section 13263.) A public agency's authority is limited to the powers specifically granted to it, and we therefore find that the Regional Board does not have authority to implement the TRPA Compact. Finding 9 and Prohibition 11 must therefore be deleted.

We will next address the appropriateness of the Regional Board's implementation of the Basin Plan's discharge prohibition through these waste discharge requirements. The Basin Plan provides as follows:

iv. Sewer Connection Limits

The sewerage agencies serving the Lake Tahoe Basin are subject to National Pollutant Discharge Elimination System permits and waste discharge requirements issued by the state water quality agencies. The sewerage agencies may also receive grants from state water quality agencies and the Environmental Protection Agency for sewage treatment facility construction. These permits and grants set conditions to protect water quality.

Conditions shall be set in these grants or permits to prohibit the sewerage agencies from providing any connection serving new development which is not in accordance with this plan. These conditions shall also prohibit any connection serving new subdivisions. These conditions shall also prohibit any connections serving new development in stream environment zones, in excess of land capability, or which is not in accord with the offset policy adopted pursuant to this plan. (Page 167.)

The Regional Board has attempted to implement the Basin Plan by the insertion of the following provisions in the waste discharge requirements: <sup>2/</sup>

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2. Order No. 6-83-51 issued to North Tahoe. Tahoe City has been issued identical requirements.

12. North Tahoe Public Utility District will not provide any sewer connections serving new development which is prohibited by or would result in a violation of the terms of Table IV-5 on Page 165 of the Final Lake Tahoe Basin Water Quality Plan (as amended).
13. Except as provided in Order No. "D.16" below, or except where the Regional Board waives waste discharge requirements for new development on the basis of a determination made by another agency, the California Regional Water Quality Control Board, Lahontan Region, shall make any determination necessary to apply Order No. "D.12" above. For the purposes of this Order No. 13, North Tahoe Public Utility District shall be entitled to rely on such determination. If the Regional Board fails to act on any request to issue or waive waste discharge requirements within sixty days (or such longer time period as is agreed to by an applicant) after a written request, submission of any necessary information and completion of any necessary environmental documentation, North Tahoe Public Utility District may make any determination necessary to apply General Requirements and Prohibitions 12, 14, 15 and 16.

The petitioners have attacked the Regional Board language on two grounds. First they argue that the language is illegal. The petitioners claim that these provisions are improper because they are unrelated to the purpose of issuing the requirements (i.e., regulating discharges from maintenance projects); because they specify the manner of compliance in violation of Water Code Section 13360; because they regulate discharges into a community sewer system in violation of Water Code Section 13263(a); and because they result in unlawful regulation of land use by the Regional Board.

Petitioner North Tahoe raised a second argument at our October workshop. That argument is that the language is unnecessary. It is unnecessary, according to the petitioner North Tahoe for the following reasons:

1. When the Lake Tahoe Basin Water Quality Control Plan was adopted in 1980, the issuance of a sewer connection permit occurred prior to both the issuance of a building permit and to review by the Regional Board and TRPA. This is no longer the case.

2. Since that time the regulations of both petitioners have been changed to prohibit the issuance of a sewer connection permit until new development has been approved by the Regional Board, TRPA and the local county.

3. That approval now takes place during the building permit process.

4. To require the petitioners to conduct a later review of whether a new development conforms to the Basin Plan is both duplicative and unnecessary.

We will first address the legal arguments. The Basin Plan does not prohibit new development, but prohibits discharge of sediment and nutrients resulting from the construction of new subdivisions, development of environmentally sensitive land, or development which is not offset by remedial erosion control measures. Thus, in adopting the Basin Plan, the State Board acknowledged that the Regional Board's authority in adopting waste discharge requirements was limited to regulating the discharge of waste and that it could not directly prohibit construction which caused this discharge. The basis for this distinction is Water Code Section 13360, which provides that orders of the State Board or Regional Board may not specify the particular manner of compliance with the order. The specific prohibitions are contained in Table IV-5, Basin Plan Amendment, p. A-3. Discharge attributable to the specified types of

development is prohibited. The term "attributable" is defined to mean that no discharge is allowed which would be greater than the discharge from a development which is not one of the specified types.

The Basin Plan further provides that in adopting waste discharge requirements for the sewerage agencies in the Lake Tahoe Basin, "conditions shall be set...to prohibit the sewerage agencies from providing any connection sewerage new development which is not in accordance with this plan." (Basin Plan, p. 167.) Thus, the State Board has already made clear that the prohibitions contained in Table IV-5 shall be implemented through waste discharge requirements issued to such agencies as Tahoe City and North Tahoe.

As described above, the requirements prohibit issuance of sewer connection permits which would result in violation of the Basin Plan prohibition on discharges attributable to specified types of development. The petitioners claim that this prohibition is unrelated to the purpose of the waste discharge requirements, which regulate "maintenance projects."

There is a close nexus between the activities regulated by the waste discharge requirements and the Basin Plan prohibition. The maintenance and minor additions projects have been proposed by the Districts to enable their collection systems to continue to function and expand. These projects include lateral installations that would allow sewerage connections between new developments and the Districts' collection systems. With these projects, the collection systems will continue to have the physical capability to accept connections from new development that would result in violation of the Basin Plan provisions. The condition prohibiting the issuance of sewer permits is designed to prevent such

violations. This condition is clearly called for in the Basin Plan, and is therefore properly made a part of the waste discharge requirements pursuant to Water Code Section 13263.<sup>3/</sup>

The petitioners argue that the requirements specify the manner of compliance therewith in violation of Water Code Section 13360.<sup>4/</sup> Section 13360 must be read in concert with Section 13243, which allows regional boards to "specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted." Reading these two sections together it is clear that while a regional board may not tell a discharger how to meet discharge limitations, it may issue a prohibition against certain types of discharge or discharges in certain locations. The Basin Plan has established discharge prohibitions against discharges caused by development in certain areas, consistent with Section 13243. The Regional Board has implemented the Basin Plan prohibitions and has designated the connection limitation as a method for implementing the discharge prohibition. This method was adopted in the Basin Plan as a means of mitigating or avoiding substantial environmental impacts

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3. Section 13263(a) provides that the Regional Board shall prescribe waste discharge requirements which "implement relevant water quality control plans."
  4. Section 13360 provides, in relevant part: "No waste discharge requirement...shall specify the design, location, type of construction, or particular manner in which compliance may be had with that requirement...and the person so ordered shall be permitted to comply therewith in any lawful manner."

as required by the California Environmental Quality Act. (See Basin Plan, Summary of Public Comments, p. 70.)<sup>5/</sup> We find no violation of Section 13360 in the Regional Board's limitation on connection permits.

The petitioners further argue that the requirements regulate discharges into a community sewer system in violation of Water Code Section 13263(a). That section disallows waste discharge requirements for discharges into a community sewer system. The petitioners claim that because their function is to transport sewage from collection facilities to a regional treatment plant, the requirements regarding connection permits violate Section 13263(a). The purpose of these requirements, however, is to regulate discharges from sedimentation and erosion due to development, and not discharges of sewage to the treatment plant. This Board therefore concludes that Section 13263(a) does not apply.

The petitioners also contend that the requirements result in unlawful regulation of land use by the Regional Board. As explained above, however, the requirements directly implement

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5. As discussed in the Summary of Public Comments, CEQA requires public agencies to mitigate or avoid significant environmental effects when feasible. [Public Resources Code Section 21002.1(b).] Where an act is within the discretionary powers of an agency, CEQA grants authority for the agency to perform such acts to mitigate or avoid significant environmental effects. [14 Cal. Admin. Code Section 15040(c).] The power to limit sewer connections is clearly within the authority of the Regional Board. (See e.g., Water Code Sections 13263 and 13301.)

the Basin Plan, which prohibits discharge from certain types of development, and not the construction itself.<sup>6/</sup>

Having determined that the Regional Board has legal authority to implement the Basin Plan prohibitions in these requirements, we will next address petitioners' concern that the specific approach established by the Regional Board is unnecessary, duplicative and counter-productive.

In addressing this argument we must balance two concerns. First is our strong commitment to the Basin Plan itself. The Regional Board should continue to take all reasonable steps to ensure implementation of the Plan. However, we must not approve measures that are either unreasonable or unnecessary. Balancing these two concerns we conclude as follows:

1. The Regional Board acted correctly to include provisions in the waste discharge requirements implementing the Basin Plan provisions.

2. These provisions should be amended to recognize the realities of the review process.

Therefore, we will modify the Regional Board orders to add the following finding:

9. The regulations of both the North Tahoe Public Utility District and the Tahoe City Public Utility District prohibit the issuance of a sewer connection permit until new development has been approved by the Regional Board, the Tahoe Regional Planning Agency, and the local county.

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6. The Basin Plan requires the Regional Board to allow project proponents to present evidence that a project will not cause discharges in violation of the Plan. Thus the focus is on the discharges not the development (Basin Plan, Plan Amendment, p. A-2). The burden will be on the proponent to establish to the satisfaction of the Regional Board that the new development will not cause Plan violations.

In addition, General Requirements 12 and 13 will be deleted and the following language substituted:

12. The District shall not issue sewer connection permits to new development unless the Regional Board has determined that the new development is consistent with the Lake Tahoe Water Quality Control Plan. A determination by the Tahoe Regional Planning Agency of consistency can be relied upon by the District unless the Regional Board specifies in writing otherwise.

Finally, the petitioners argue that the waste discharge requirements improperly include provisions regarding CEQA compliance should the Basin Plan be amended so as to change the discharge prohibitions contained therein. As part of the requirements regarding the discharge prohibitions contained in the Basin Plan, the Regional Board stated that certain procedures must be followed to implement CEQA if the Basin Plan is amended. (General Requirements and Prohibitions 15 and 16.) The petitioners contend that these provisions are improper because they require a separate agency [Tahoe-Truckee Sanitation Agency (T-TSA)] to be the lead agency in the event of amendment of a document outside the scope of these requirements. These provisions generally concern potential amendment of a State Board document. The Water Code requires that waste discharge requirements implement the Basin Plan, and therefore amendment of relevant sections of the Basin Plan would necessitate changes in these requirements. These provisions are therefore unnecessary and will be deleted from the requirements as irrelevant thereto.

2. Contention: The petitioners claim that the requirements unlawfully regulate water use.

Finding: The waste discharge requirements contain provisions limiting the issuance of sewer connection permits if the total gross diversion of water on the California side of Lake Tahoe exceeds 23,000 acre-feet per year. These provisions are based upon the California-Nevada Interstate Compact (Interstate Water Compact), which established the limit on total gross diversion, and the Basin Plan, which states that the Regional Board must include provisions in requirements for sewerage systems to prevent water use beyond the Compact limitations. The requirements also require implementation of a water conservation program. The petitioners object to these provisions as being beyond the scope of waste discharge requirements for maintenance projects. In addition, the petitioners claim that the provision regarding a water conservation program specifies the manner of compliance with the requirements in violation of Water Code Section 13360.

The Interstate Water Compact was ratified by the California Legislature in 1970 and the Nevada Legislature in 1971. The Compact provides that it shall become effective when and if it is consented to by act of the United States Congress (Article XXII). An act of consent has not yet been adopted. The Compact provides that total gross diversions for use within the Lake Tahoe Basin on the California side, including ground water and under all water rights, shall not exceed 23,000 acre-feet annually.

The petitioners claim that because Congress never gave consent to the Interstate Water Compact, it has no effect. While the Compact was never consented to by Congress, it stands as the latest and highest expression of the intent of the California

Legislature. As such, this Board must follow its strictures as a statement of the public policy of California. Both California and Nevada have followed the provisions set forth in the Compact, and this Board must continue to do so until there is a restatement of legislative policy.

The petitioners also question the authority of the Regional Board to implement the Interstate Water Compact limitations in these waste discharge requirements. The bases for implementation are stated in the requirements as Water Code Section 174 (Finding 12) and a requirement in the Basin Plan that the Regional Board implement the Compact (Finding 14). The requirements also make reference to a State Board staff report regarding water use allocations, development levels and water availability (Finding 13).

In 1967, the Legislature created the State Board so that the water quantity and water quality functions of state government would be coordinated. Water Code Section 174 provides that the functions of water rights, water pollution and water quality are to be combined and that in adopting waste discharge requirements consideration must be given not only to water pollution and water quality, but also to the availability of unappropriated water. <sup>7/</sup>

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7. Water Code Section 174 provides:

The Legislature hereby finds and declares that in order to provide for the orderly and efficient administration of the water resources of the state it is necessary to establish a control board which shall exercise the adjudicatory and regulatory functions of the state in the field of water resources.

It is also the intention of the Legislature to combine the water rights and the water pollution and water quality functions of state government to provide for consideration of water pollution and water quality, and availability of unappropriated water whenever applications for appropriation of water are granted or waste discharge requirements or water quality objectives are established.

It is thus clear that the Regional Board may consider water availability in the issuance of waste discharge requirements. This Board must now determine whether it was proper to do so in this case.

In the Basin Plan, the State Board considered its ability as the state agency responsible for regulating both water quality and water rights, to regulate water use within the limits set by the Interstate Water Compact. We found that while we are able to limit surface water diversions through our water rights permit authority, ground water diversions are not subject to State Board permit and comprise the majority of the total gross diversions from the California side. (Basin Plan, page 259.) We reasoned there that any additional development within the Lake Tahoe Basin, which will result in increased water use, is not possible without a connection to a sewerage system. (Basin Plan, page 261.) The Basin Plan therefore required that waste discharge requirements issued for the sewerage systems include conditions designed to prevent water use in the Basin beyond the Compact limitations. (Id.)

Given this explicit requirement in the Basin Plan, it was appropriate for the Regional Board to include provisions designed to limit water use to the amounts contained in the Interstate Water Compact. (Water Code Section 13263.) We further find that there is a direct relationship between new sewerage connections (which are included among petitioners' maintenance projects) and the Interstate Water Compact limitations on water use, and that limitations on connection permits are therefore not beyond the scope of these waste discharge requirements.

Further justification for the connection limitation is apparent in the role of these requirements to mitigate environmental impacts as required by the California Environmental Quality Act. (See Note 4, supra.) CEQA provides express authority to use discretionary powers to mitigate or avoid significant impacts. (Public Resources Code Section 21004.) The regulation of water use through waste discharge requirements is a discretionary authority granted to the Regional Board. (Water Code Section 174.) The exercise of discretionary powers to mitigate effects may take new or unexpected forms, so long as the exercise is within the scope of the agency's powers. [14 California Administrative Code Section 15040(d).] As discussed above, at Note 4, a limitation on new sewerage connections is clearly within the authority of the Regional Board.

The petitioners have taken issue with a finding relating to a State Board staff report entitled, "Report on Water Use and Water Rights, Lake Tahoe Basin". The petitioners argue that this was merely a draft staff report and is entitled to no weight in the waste discharge requirements. While the petitioners are correct that the report was submitted as a draft, and has not yet been officially acted upon, there is reference to the study in the Basin Plan at pages 257-261. The requirements implement the Basin Plan and not the study, and this Board sees no harm to petitioners from inclusion of the reference. On the other hand, reference to the study appears to be a helpful aid to a fuller understanding of the background of these waste discharge requirements.

This Board therefore concludes that the findings and requirements limiting new sewer connections in order to comply with the Interstate Water Compact are appropriate and proper. The petitioners' request to delete Findings 12, 13, and 14 and General Requirements and Prohibitions 18 and 19 is denied.<sup>8/</sup>

The petitioners also request this Board to delete the requirement that the petitioners maintain water conservation programs. The purpose of this requirement is also to restrict use of water to comply with the Interstate Water Compact provisions. Our conclusion on the propriety of this requirement, however, is different than that reached regarding the new connection issue. As discussed in Number 1 above, the prohibition of new connections that violate the Basin Plan is warranted under Water Code Section 13243. If California's water diversions from the Lake Tahoe Basin exceed 23,000 acre-feet per year, a similar prohibition would go into effect. A water conservation program, however, is but one method by which the petitioners might limit the use of water so as not to cause the Regional Board to prohibit new sewer connections. As required by Water Code Section 13360, the decision on how to comply with requirements set up by the

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8. The Board is currently in the process of preparing an Environmental Impact Report (EIR) concerning water rights in the Lake Tahoe Basin. The EIR may identify water use actions, including mitigation measures and permit conditions, that impact on Findings 12, 13, and 14 and General Requirements and Prohibitions 18 and 19. If this happens, and if so requested by petitioners, we direct the Regional Board to reconsider these provisions.

Regional Board must be left to the discharger. We therefore conclude that the requirement to maintain water conservation programs is inappropriate, and that Provision 7 must be deleted.

3. Contention: The petitioners contend that the reporting requirements contained in the waste discharge requirements are not authorized by law and represent a burden not outweighed by the cost.

Finding: The waste discharge requirements include a provision for an annual report with estimates on available sewage collection and export capacity within the individual systems. Information to be contained in the reports includes effective capacity of the key elements of the system, high flows, allocation capacity among different projects, the number of permits to be issued and projected flows, the number of subdivided vacant lots and any proposed actions to increase effective capacity. The Regional Board states that it needs this information to discover limitations and problems within the sewage transport system; and to conduct planning for future development.

It is apparent from the Regional Board's response that this portion of the requirements is directed toward transport of sewage to the T-TSA regional treatment plant and capacity of the various collection points within the regional system. Unlike the requirements previously discussed, the annual reports therefore concern discharges of sewage into a community sewer system. As such, the petitioners claim that the reporting provisions constitute direct regulation of the various elements therein and state Water Code Section 13263(a).<sup>9/</sup>

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13263(a) provides for the issuance of waste discharge requirements, "except [for] discharged into a community sewer system."

In State Board Order No. 78-8, at pages 28-32, we discussed the application of Section 13263(a) to regulation of local entity members of a community sewer system, specifically the member entities of T-TSA. There we found that Section 13263(a) does not excuse local public agencies from their responsibilities to treat and dispose of sewage in the event a regional agency is formed, but rather creation of a regional agency creates a joint responsibility and obligation to treat and dispose of wastes.

Turning to the issue of whether the specific reporting requirements are appropriate, we do note that T-TSA regulates its capacity through capacity allocations for the separate collection and transport entities, rather than through capacity of the plant as a whole. The record discloses, moreover, that these same reporting requirements are contained in the waste discharge requirements for T-TSA. Requiring each member entity to duplicate information which will already be reported to the Regional Board appears to be repetitive and unnecessary.

The State Board therefore concludes that the reporting requirements, contained in General Requirement and Prohibition 20, must be deleted.<sup>10/</sup>

### III. CONCLUSIONS

1. The Regional Board did not have authority to include requirements for implementation of the development limitations contained in the Tahoe Regional Planning Compact.

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10. Of course, if the Regional Board can properly justify such action, it may impose non-duplicative monitoring requirements on the Districts consistent with Water Code Section 13267.

2. The Regional Board had authority to prohibit the issuance of sewer connection permits which would result in a violation of the Basin Plan discharge prohibitions; however, the language of the Regional Board order will be modified to avoid the possibility of unnecessary and duplicative reviews.

3. Inclusion in the requirements of procedures to implement the California Environmental Quality Act in case the State Board amends its Basin Plan was inappropriate.

4. The Regional Board acted properly in implementing the California-Nevada Interstate Compact by prohibiting new sewer connection permits which would result in violation of the compact.

5. The Regional Board acted improperly in requiring the petitioners to maintain water conservation programs.

6. The Regional Board acted improperly in requiring the petitioners to submit annual reports regarding capacity of their collection and transport systems.

#### IV. ORDER

IT IS ORDERED that Finding 9, General Requirements and Prohibitions 11, 13, 15, 16 and 20, and Provision 7 of the waste discharge requirements are deleted.

IT IS FURTHER ORDERED that the following finding is added to the waste discharge requirements:

9. The regulations of both the North Tahoe Public Utility District and the Tahoe City Public Utility District prohibit the issuance of a sewer connection permit until new development has been approved by the Regional Board, the Tahoe Regional Planning Agency, and the local county.

IT IS FURTHER ORDERED that General Requirement and Prohibition 12 is modified as follows:

12. The District shall not issue sewer connection permits to new development unless the Regional Board has determined that the new development is consistent with the Lake Tahoe Water Quality Control Plan. A determination by the Tahoe Regional Planning Agency of consistency can be relied upon by the District unless the Regional Board specifies in writing otherwise.

IT IS FURTHER ORDERED that the petitions of Tahoe City Public Utility District and North Tahoe Public Utility District are otherwise denied.

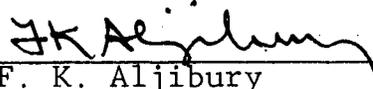
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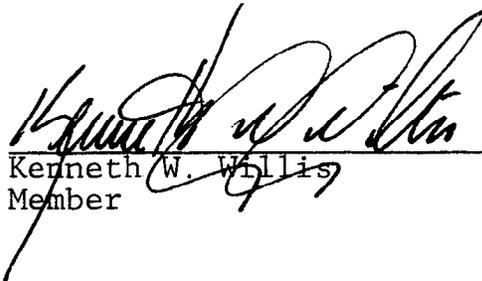
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